



IFW

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q97384

Kenichi MARUHASHI, et al.

Appln. No.: 10/594,444

Group Art Unit: 2616

Confirmation No.: 6862

Examiner: Not yet assigned

Filed: September 26, 2006

For: RADIO COMMUNICATION DEVICE

**SUBMISSION OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

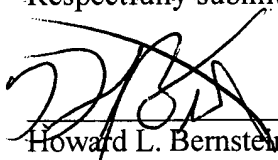
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

For the Examiner's convenience, enclosed herewith is a copy of the English translation of the International Preliminary Report on Patentability (IPRP). It is assumed that copies of the cited references as required by §371(c) will be supplied directly by the International Bureau, but if further copies are needed, the undersigned will undertake to provide them upon request.

Respectfully submitted,

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Howard L. Bernstein  
Registration No. 25,665

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: March 16, 2007

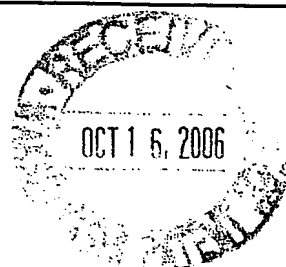
From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY  
(CHAPTER I OR CHAPTER II  
OF THE PATENT COOPERATION TREATY)  
(PCT Rules 44bis.3(c) and 72.2)

To:

MIYAZAKI, Teruo  
8th Floor, 16th Kowa Bldg.  
9-20, Akasaka 1-chome  
Minato-ku, Tokyo 1070052  
JAPON



Date of mailing (day/month/year) 05 October 2006 (05.10.2006)	
Applicant's or agent's file reference NEC04P202	<b>IMPORTANT NOTIFICATION</b>
International application No. PCT/JP2005/004093	International filing date (day/month/year) 09 March 2005 (09.03.2005)
Applicant NEC CORPORATION et al	

## 1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

## 2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

## 3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.



The International Bureau of WIPO  
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Authorized officer

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# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference NEC04P202	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/JP2005/004093	International filing date ( <i>day/month/year</i> ) 09 March 2005 (09.03.2005)	Priority date ( <i>day/month/year</i> ) 26 March 2004 (26.03.2004)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant NEC CORPORATION —		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input type="checkbox"/>            | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 26 September 2006 (26.09.2006)
Facsimile No. +41 22 338 82 70	Authorized officer  <div style="text-align: center; font-weight: bold; font-size: 1.2em;">Masashi Honda</div> e-mail: pt08@wipo.int

**TRANSLATION**

# PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Applicant's or agent's file reference  
**NEC04P202**

### FOR FURTHER ACTION

See paragraph 2 below

International application No.

**PCT/JP2005/004093**

International filing date (day/month/year)

09.03.2005

Priority date (day/month/year)	
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**26.03.2004**

International Patent Classification (IPC) or both national classification and IPC

Applicant

NEC CORPORATION

1. This opinion contains indications relating to the following items:

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PC-T/ISA/220.

Name and mailing address of the ISA/JP

Authorized officer

Facsimile No.

Telephone No. \_\_\_\_\_

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/004093

Box No. 1

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

\_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/JP2005/004093

<b>Box No. V</b>	<b>Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</b>		
<b>1. Statement</b>			
Novelty (N)	Claims	1-21	YES
	Claims		NO
Inventive step (IS)	Claims	7-11, 13-15	YES
	Claims	1-6, 12, 16-21	NO
Industrial applicability (IA)	Claims	1-21	YES
	Claims		NO
<b>2. Citations and explanations:</b>			
<p>Document 1: Jun HIZAMOTO, Kazuo MORI, Hideo KOBAYASHI, "MIMO Channel ni okeru Tekio Hencho o Mochiita SDM-OFDM System", The Institute of Electronics Information and Communications Engineers Gijutsu Kenkyu Hokoku, 16 May, 2003 (16.05.03), Vol. 103, No. 66, pp. 75 - 82</p> <p>Document 2: JP, 10-303849, A (Lucent Technologies Inc.), 13 November, 1998 (13.11.98), paragraph 0017 and paragraph 0018</p> <p>Document 3: Osamu NIIDA, Toshinori SUZUKI, Yoshio TAKEUCHI, "Jikukan Burokku Fugo Gyoretsu o Mochiita Tekio Hencho", The Institute of Electronics, Information and Communication Engineers Gijutsu Kenkyu Hokoku, 27 February, 2002 (27.02.02), Vol. 101, No. 682, pp. 31 -36</p> <p>Document 4: WO, 2002-093779, A2 (QUALCOMM INCORPORATED), 21 November, 2002 (21.11.02), Fig. 3</p> <p>Claims 1-6 and 17-21 For receivers using multiple antennas, document 1 describes a constitution performing adaptive modulation on the basis of the detected propagation state. Document 2 describes the idea of letting the symbol speed dynamically change when performing adaptive modulation. Employing the "idea to let the symbol speed dynamically change" described in document 2 as the adaptive modulation in document 1 is easy for a person skilled in the art.</p> <p>Claim 12 For adaptive demodulation, switching between a direct modulation mode and an indirect modulation mode is a commonly used art, and document 3 shows an example where, in communication using multiple antennas, switching is performed between QPSK and 16QAM.</p> <p>Claim 16 As shown in the example of document 4, the idea of sharing antennas in transmitter-receivers that use multiple antennas is also a commonly used art.</p> <p>Claims 7-11 and 13-15 The inventions of claims 7-11 and 13-15 are neither described in any of the documents cited in the ISR nor are they obvious to a person skilled in the art.</p>			